

ASSEMBLY BILL

No. 1557

Introduced by Assembly Member Feuer

February 23, 2007

An act to amend Section 231 of the Code of Civil Procedure, relating to jury selection.

LEGISLATIVE COUNSEL'S DIGEST

AB 1557, as introduced, Feuer. Jury selection: peremptory challenges.

Existing law provides, in criminal cases, if the offense charged is punishable with death, or with imprisonment in the state prison for life, the defendant is entitled to 20, and the people to 20, peremptory challenges. In a trial for any other offense, the defendant is entitled to 10, and the state to 10, peremptory challenges, unless the offense charged is punishable with a maximum term of imprisonment of 90 days or less, in which case the defendant is entitled to 6, and the state to 6, peremptory challenges.

This bill would revise the latter provision to increase the maximum term of imprisonment from 90 days to one year or less, in which case the defendant is entitled to 6, and the state to 6, peremptory challenges.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 231 of the Code of Civil Procedure is
- 2 amended to read:
- 3 231. (a) In criminal cases, if the offense charged is punishable
- 4 with death, or with imprisonment in the state prison for life, the

1 defendant is entitled to 20, and the people to 20, peremptory
2 challenges. Except as provided in subdivision (b), in a trial for any
3 other offense, the defendant is entitled to 10, and the state to 10,
4 peremptory challenges. ~~When~~ *If* two or more defendants are jointly
5 tried, their challenges shall be exercised jointly, but each defendant
6 shall also be entitled to five additional challenges ~~which~~ *that* may
7 be exercised separately, and the people shall also be entitled to
8 additional challenges equal to the number of all the additional
9 separate challenges allowed the defendants.

10 (b) If the offense charged is punishable with a maximum term
11 of imprisonment of ~~90 days~~ *one year* or less, the defendant is
12 entitled to six, and the state to six, peremptory challenges. ~~When~~
13 *If* two or more defendants are jointly tried, their challenges shall
14 be exercised jointly, but each defendant shall also be entitled to
15 four additional challenges ~~which~~ *that* may be exercised separately,
16 and the state shall also be entitled to additional challenges equal
17 to the number of all the additional separate challenges allowed the
18 defendants.

19 (c) In civil cases, each party shall be entitled to six peremptory
20 challenges. If there are more than two parties, the court shall, for
21 the purpose of allotting peremptory challenges, divide the parties
22 into two or more sides according to their respective interests in
23 the issues. Each side shall be entitled to eight peremptory
24 challenges. If there are several parties on a side, the court shall
25 divide the challenges among them as nearly equally as possible.
26 If there are more than two sides, the court shall grant ~~such~~ *those*
27 additional peremptory challenges to a side as the interests of justice
28 may require; provided that the peremptory challenges of one side
29 shall not exceed the aggregate number of peremptory challenges
30 of all other sides. If any party on a side does not use his or her full
31 share of peremptory challenges, the unused challenges may be
32 used by the other party or parties on the same side.

33 (d) Peremptory challenges shall be taken or passed by the sides
34 alternately, commencing with the plaintiff or people; ~~and each.~~
35 *Each* party shall be entitled to have the panel full before exercising
36 any peremptory challenge. ~~When~~ *If* each side passes consecutively,
37 the jury shall then be sworn, unless the court, for good cause, ~~shall~~
38 *orders* otherwise ~~order~~. The number of peremptory challenges
39 remaining with a side shall not be diminished by any passing of a
40 peremptory challenge.

1 (e) If all the parties on both sides pass consecutively, the jury
2 shall then be sworn, unless the court, for good cause, ~~shall orders~~
3 otherwise ~~order~~. The number of peremptory challenges remaining
4 with a side shall not be diminished by any passing of a peremptory
5 challenge.

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